

REMARKS/ARGUMENTS

In response to the Office Action dated August 20, 2004, claims 1, 4, 5 and 8 are amended, claims 10-19 are canceled, and claims 20-28 are added. Claims 1-9 and 20-28 are now active in this application. No new matter has been added.

The amendments to claims 4, 5 and 8 are made to correct minor grammatical errors and not to change the scope thereof.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

Claim 18 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

The rejection is moot as to cancelled claim 18.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 102 AND § 103

I. Claims 10-15, 18 19 are rejected under 35 U.S.C. § 102(e) as being anticipated by Ritter et al. (USPN 6,363,169).

The rejections are moot as to canceled claims 10-15, 18 and 19.

II. Claims 16 and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ritter et al. in view of Rhoads (USPN 6,411,725).

The rejections are moot as to canceled claims 16 and 17.

III. Claims 1-7 and 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Matsumoto et al. (USPN 6,356,272) in view of Klein et al. (USPN 6,228,028).

To expedite prosecution, independent claim 1 is amended to recite, *inter alia*:

a measurement portion for generating three-dimensional data by measuring a three-dimensional shape of an object from plural directions so as to generate plural data; ...
wherein

integrating the plural sets of three-dimensional data includes converting the coordinates of the plurality of three-dimensional data into a common three-dimensional coordinate system by using a conversion matrix.

The portion "integrating the plural sets of three-dimensional data includes converting the coordinates of the plurality of three-dimensional data into a common three-dimensional coordinate system by using a conversion matrix" is supported by lines 6-8 of paragraph [0061] of the specification.

Thus, amended independent claim 1 now delineates that the operation of the integrating portion is to convert the coordinates of the plural three-dimensional data into the same three-dimensional coordinate system by using a conversion matrix in accordance with the relative position and the posture information that were obtained by the position sensor so that the plural three-dimensional data are integrated.

Matsumoto et al. teaches a method in which a plurality of two-dimensional shapes are obtained and the three-dimensional shape is determined from the silhouette thereof. Namely, what are obtained in the method disclosed in Matsumoto et al. are two-dimensional shapes. In contrast, amended claim 1 includes measuring a three-dimensional shape from plural directions and integrating them. Therefore, what is recited in amended claim 1 is technically different from the method described in Matsumoto et al. Furthermore, Klein et al. does not teach any method of conversion of plural three-dimensional shape data in accordance with information obtained by a position sensor and integrating the plural three-dimensional data by unifying the coordinates. Thus, even if the method described in Matsumoto et al. is somehow combined with any

techniques shown in Klein et al., the structure or configuration of the present invention recited in amended claim 1 does not result. Consequently, amended independent claim 1 is patentable over Matsumoto et al. and Klein et al., considered alone or in combination. Therefore, the allowance of claims 1-7 and 9, as amended is respectfully solicited.

IV. Claim 8 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Matsumoto et al. in view of Klein et al., and further in view of Murata (Japanese Patent No. 10-332347).

However, as claim 8 depends from amended claim 1, claim 8 is patentable over Matsumoto et al. and Klein et al. also, even when considered further in view of Murata. Therefore, the allowance of claim 8 is respectfully solicited.

NEW CLAIMS

New claims 20-28 are submitted. Independent claim 20 is a method claim derived from amended independent claim 1 and claims 21-28 are derived from claims 2-9. Thus, the allowance of new claims 20-28 is respectfully solicited as they are patentable over Matsumoto et al. and Klein et al. for the same reasons why claims 1-9, as amended, are patentable over these references.

CONCLUSION

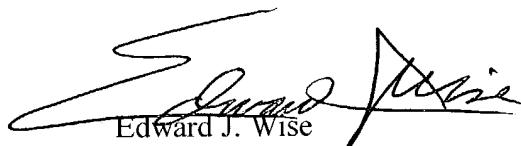
Accordingly, it is urged that the application, as now amended, is in condition for allowance, an indication of which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, Examiner is requested to call Applicants' attorney at the telephone number shown below.

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To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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